

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ALISON J. NOHARA and PATTI J. SYZDEL,
individually and as representatives of a class of
participants and beneficiaries on behalf of the
Prevea Clinic, Inc. 401(k) and Retirement Plan,

Plaintiffs,

v.

Case No. 20-C-1079

PREVEA CLINIC, INC., et al.,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On October 27, 2022, Magistrate Judge Stephen C. Dries recommended that I grant the defendants' motion for partial reconsideration, grant the defendants' motion to dismiss the plaintiffs' amended complaint in its entirety, and grant the plaintiffs leave to file a third amended complaint. The parties have not filed objections to this recommendation. After careful consideration of the Report and Recommendation, as well as the record as a whole, the court adopts the Report and Recommendation of the Magistrate Judge.

IT IS THEREFORE ORDERED that Magistrate Judge Dries' Report and Recommendation (Dkt. No. 73) is **ADOPTED**.

IT IS FURTHER ORDERED that, for the reasons stated in the Report and Recommendation, the defendants' motion for partial reconsideration (Dkt. No. 67) and motion to dismiss (Dkt. No. 57) are **GRANTED**. The second amended complaint fails to state a claim upon which relief can be granted and is dismissed for that reason. The dismissal is without prejudice, however, and the plaintiffs will be allowed 30 days from the date of this order in which to file a

third amended complaint. If no amended complaint is filed within the time allowed, the case will be dismissed.

Dated at Green Bay, Wisconsin this 14th day of November, 2022.

s/ William C. Griesbach
William C. Griesbach
United States District Judge